

**RECEIVED  
CENTRAL FAX CENTER**

JUN 29 2005

**Fax**☐ Urgent☐ Return reply requested ☐ Original will be sent as confirmation**To: U.S. Patent and Trademark Office****Date: June 29, 2005****Attention:**  
Examiner A. Azad, Art Unit 2654**Appl. No. 09/924,420; Filed: August 7, 2001****For: Voice User Interface With Personality****From: Nicole D. Dretar, Esquire** *NDD***Pages (including cover sheet): 57****Your Reference:****Fax No: 703-872-9306****Our Reference: 2222.0860002**

## Message

Our transmission on June 28, 2005 was apparently incomplete. Accordingly re-transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00;
2. Fee Transmittal Form (PTO/SB/17);
3. Supplemental Information Disclosure Statement; and
4. Form PTO-1449 listing seven (7) documents and accompanied by three (3) documents.

### Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

*Sandra Kuller, Patent Secretary*

Date: June 29, 2005

If any portion of this transmission is not received clearly or in full,  
contact us at 202.371.2600 or f 202.371.2540

This message is intended for the exclusive use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication in any way is strictly prohibited. If you have received this communication in error, please call us collect immediately, and return the original message to us at the above address via the U.S. Postal Service.

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 :  
[www.skgf.com](http://www.skgf.com)



JUN 29 2005

Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Connors  
Robert W. Eyman  
Tracy-Gene G. Durkin  
Michelle A. Cimada  
Michael B. Roy  
Robert E. Solich  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Coven  
Linda E. Alcorn  
Robert C. Millard  
Donald J. Featherstone  
Timothy J. Shea, Jr.  
Lawrence B. Bugalsky  
Michael V. Messinger  
Judith U. Kim

Patrick E. Garrett  
Jeffrey L. Hevey  
Heldi L. Krass  
Ekora L. Elston  
Thomas C. Fink  
Albert L. Piro  
Donald B. Baranov  
Peter A. Jachman  
Teresa U. Medler  
Jeffrey J. Wagner  
Kendrick P. Patterson  
Vincent L. Capuano  
Brian J. Del Buono  
Virgil Lee Beaton  
Theodore A. Wood  
Elizabeth J. Haines  
Joseph S. Ostroff  
Frank R. Castiglioni  
Christine M. Usher  
Rae Lynn P. Guea

George S. Bandmesser  
Daniel A. Klea  
Jason D. Eisenberg  
Michael D. Spach  
Andrew J. Karsage  
Tracy L. Muller  
Jon E. Wright  
LWAnne M. Desjardis  
Ann E. Summerfield  
Aric W. Ledford  
Helese C. Carlson  
Cynthia M. Bouchez  
Timothy A. Doyle  
Gabry L. Longworth  
Lari A. Gordon  
Nicola D. Orstar  
Ted J. Eberle  
Jyoti C. Iyer  
Liam A. Vogel

Michael J. Mancuso  
Bryan S. Wade  
Aaron L. Schwartz  
Michael G. Piro  
Shannon A. Carroll  
Wesley W. Jones  
Matthew E. Kelley  
Nicole R. Kramer

**Registered Patent Agents\***  
Karen R. Markowicz  
Nancy J. Leth  
Matthew J. Dowd  
Kathrina Tujjan Pal Quach  
Bryan L. Stellan  
Robert A. Schwartzman  
Teresa A. Cokila  
Jeffrey S. Lundgren  
Victoria S. Rutherford

Michelle K. Holmbeck  
Simon J. Elliot  
Julie A. Heller  
Mike Mulderjee  
Scott M. Woodhouse  
Christopher J. Walsh  
Liliana Di Nola-Baron  
Peter A. Soenns  
Jeffrey Mills

**Of Counsel**  
Kenneth C. Boss III  
Evan R. Smith  
Marvin C. Guthrie

\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practices Limited to  
Federal Agencies

June 28, 2005

**WRITER'S DIRECT NUMBER:**  
(202) 772-8898

**INTERNET ADDRESS:**  
NDRSTAR@SKGF.COM

Via Facsimile

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 2654**  
**Mail Stop Amendment**

Re: U.S. Utility Patent Application  
Application No. 09/924,420; Filed: August 7, 2001  
For: Voice User Interface With Personality  
Inventors: Surace *et al.*  
Our Ref: 2222.0860002

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover an Information Disclosure Statement submission;
2. Fee Transmittal Form (PTO/SB/17);
3. Supplemental Information Disclosure Statement; and
4. Form PTO-1449 listing seven (7) documents and accompanied by three (3) documents.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN &amp; FOX P.L.L.C.

Nicole D. Dreter  
Attorney for Applicants  
Registration No. 54,076

NDD/sjc  
415437\_1.DOC

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

PTO/SB/17 (12-04)

Approved for use through 07/31/2008.

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).

**FEE TRANSMITTAL**  
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$180.00

## Complete if Known

Application Number	09/924,420
Filing Date	August 7, 2001
First Named Inventor	Kevin J. SURACE
Examiner Name	Abul K. Azad
Art Unit	2634
Attorney Docket No.	2223.0860002

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

## Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fees Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fees Paid (\$)
- 20 or HP	=	x	=			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fees Paid (\$)			
- 3 or HP	=	x	=			
HP = highest number of independent claims paid for, if greater than 3						

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
- 100 =		/ 50 =	(round up to a whole number) x	

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement submission fee

\$180.00

## SUBMITTED BY

Signature	<i>Nicole D. Dretar</i>	Registration No. (Attorney/Agent)	54,076	Telephone	(202) 371-2600
Name (Print/Type)	Nicole D. Dretar	Date	06-28-2005		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED**  
**CENTRAL FAX CENTER**

JUN 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SURACE *et al.*

Appl. No.: 09/924,420

Filed: August 7, 2001

For: Voice User Interface With  
Personality

Confirmation No.: 3741

Art Unit: 2654

Examiner: Azad, A.

Atty. Docket: 2222.0860002

**Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

- 2 -

SURACE *et al.*  
Appl. No. 09/924,420

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

- 3 -

SURACE *et al.*  
Appl. No. 09/924,420

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☒ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- 4 -

SURACE *et al.*  
Appl. No. 09/924,420

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document appears below:
- ☒ 7. In accordance with 37 C.F.R. 1.98(a)(2), copies of the 'U.S. Patent Documents' cited on the attached Form PTO-1449 (AA1, AB1, AC1, and AD1) are not enclosed. Copies of the 'Other Documents' cited on the attached Form PTO-1449 (AR1, AS1, and AT1) are enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

- 5 -

SURACE *et al.*  
Appl. No. 09/924,420

- ☒ 9. It is expected that the examiner will review the prosecution and cited art in the parent Application No. 09/654,174, filed September 1, 2000, and Application No. 09/071,717, filed May 1, 1998, in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Nicole D. Dretar  
Attorney for Applicants  
Registration No. 54,076

Date: 06-28-2005

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

415354\_1.DOC



FORM PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b>				ATTY. DOCKET NO. 2222.0860002		APPLICATION NO. 09/924,420	
				FIRST NAMED INVENTOR SURACE et al.			
				FILING DATE August 7, 2001		ART UNIT 2654	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,652,789	07/1997	Miner et al.			
	AB1	5,682,469	10/1997	Linnett et al.			
	AC1	5,751,793	10/1997	Davies et al.			
	AD1	6,112,177	11/2000	Cosatto et al.			
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	1	Reeves, B. and Nass, C., <i>The Media Equation: How People Treat Computers, Television, and New Media Like Real People and Places</i> , pages 89-108, ISBN No. 1-57586-052-X, CSLI Publications (1996).				
	AS	1	James, F., AHA: Audio HTML Access, printed from <a href="http://www-pcd.stanford.edu/~fjames/aha/www6/PAPER296.html">http://www-pcd.stanford.edu/~fjames/aha/www6/PAPER296.html</a> .				
	AT	1	James, F., Presenting HTML Structure in Audio: User Satisfaction with Audio Hypertext, printed from <a href="http://www-pcd.stanford.edu/~fjames/reports/pilot-tr/techrep-pilot.html">http://www-pcd.stanford.edu/~fjames/reports/pilot-tr/techrep-pilot.html</a> on April 14, 1997.				
EXAMINER						DATE CONSIDERED	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

SKGF Rev. 12/03/03

415340\_1.DOC